

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU  
&  
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

**C.R.P.No.465 of 2000(B)**  
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AGAINST THE JUDGMENT IN C.M.A.NO.1 OF 2000 ON THE FILE OF THE COURT OF THE ADDITIONAL DISTRICT JUDGE, KOZHIKODE DATED 25/01/2000 - FROM THE ORDER IN I.A.NO.7161 OF 1999 IN O.S.NO.727 OF 1999 OF THE COURT OF THE MUNSIFF (PRINCIPAL), KOZHIKODE-I, DATED 02/12/1999.

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**REVISION PETITIONERS/APELLANTS/PETITIONERS-PLAINTIFFS:-**  
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1. K.P.CHANDRAMOHAN,  
S/O.GANGADHARAN,  
RESIDING AT VIJAYA MANDIR,  
KOTTARAM ROAD,  
KACHERI AMSOM, DESOM OF KOZHIKODE TALUK.
2. RATNA MANI,  
W/O.K.P.CHANDRAMOHAN,  
RESIDING AT VIJAYA MANDIR,  
KOTTARAM ROAD,  
KACHERI AMSOM, DESOM OF KOZHIKODE TALUK.

BY ADV. SMT.PRABHA R.MENON  
SRI.M.KRISHNAKUMAR

**RESPONDENTS/RESPONDENTS/RESPONDENTS-DEFENDANTS:-**  
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1. STATE OF KERALA,  
REPRESENTED BY THE DISTRICT COLLECTOR,  
CIVIL STATION,  
KOZHIKODE.
2. THE GEOLOGIST,  
MINING AND GEOLOGY,  
REGIONAL OFFICE,  
CIVIL STATION,  
KOZHIKODE.
3. THE DISTRICT GEOLOGIST,  
DISTRICT OFFICE,  
CIVIL STATION,  
KOZHIKODE.

BY SENIOR GOVERNMENT PLEADER SMT.K.MEERA.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD  
ON 18/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:-

**H.L.Dattu,C.J. & K.T.Sankaran,J.**

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C.R.P.No.465 of 2000-B  
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Dated, this the 18<sup>th</sup> day of October, 2007

**ORDER**

**K.T.Sankaran,J.**

This Civil Revision Petition arises out of C.M.A.No.1 of 2000 on the file of the Additional District Judge, Kozhikode, which was filed challenging the order passed by the trial Court dismissing an application for temporary injunction. The appellate Court confirmed the order passed by the trial Court and held that no illegality was committed by the trial Court in dismissing the application for injunction.

2. After the amendment of Section 115 of the Code of Civil Procedure by the C.P.C. amendment which came into force with effect from 1.7.2002, no revision lies against an order in the Civil Miscellaneous Appeal by which an application for temporary injunction was finally disposed of.

3. Moreover, the suit itself was dismissed for default and the application filed under Order IX Rule 9 C.P.C. was also dismissed. C.R.P.No.1012 of 2005 filed by the plaintiffs challenging the dismissal of the application under Order IX Rule 9 was also dismissed. Therefore, the suit is not pending now and, therefore, C.R.P.No.465 of 2000 is not maintainable on that ground also.

Accordingly, the Civil Revision Petition is dismissed.

Consequently, C.M.P.No.951 of 2000 is also dismissed.

H.L.Dattu  
Chief Justice

K.T.Sankaran  
Judge

vku/-